

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

LANDMARK AMERICAN INSURANCE
COMPANY,

Plaintiff,

v.

NURSELECT LLC,

Defendant.

Civil Action No.: 5:24-cv-01412-GAW

ORDER

AND NOW, this 3rd day of March 2025, upon consideration of Plaintiff's Motion for Summary Judgment (Dkt. #34), Defendant's Motion for Summary Judgment (Dkt. #29, 31), and the reply briefs thereto (DKT.#s 36, 37, & 38), the following is hereby ORDERED and DECREED:

1. Plaintiff's Motion for Summary Judgment is GRANTED as to Count I.
2. Counts II and III of Plaintiff's Amended Complaint are DISMISSED as MOOT.
3. Defendant's Motion for Summary Judgment is DENIED.
4. It is DECLARED that Plaintiff, Landmark American Insurance Company, does not owe Defendant, NurSelect, LLC., a duty of defense or indemnity with respect to the lawsuit filed at Case No. CI-22-04128 in Lancaster County, Pennsylvania, with the caption Brenda L. Kling, individually and as Administratrix of the Estate of Geraldine E. Wiggins v. Rehabilitation Center at Brethren Village, LLC, Brethren Village, Brethren Village Realty, LLC, Lori Schoener, NHA, and John Does 1-4 v. NurSelect, LLC.

It is FURTHER ORDERED that the Clerk shall mark this action CLOSED.

BY THE COURT:



GAIL A. WEILHEIMER

J